

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HORIZON HOUSE, INC.,
Plaintiff,

v.

EAST NORRITON TOWNSHIP,
Defendant.

CIVIL ACTION

NO. 19-1252

ORDER

AND NOW, this 17th day of April, 2020, upon consideration of Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Document No. 24, filed February 14, 2020), Plaintiff's Memorandum of Law in Support of its Response to Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 29, filed March 13, 2020), and the Reply Brief in Support of Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Document No. 30, filed March 20, 2020), for the reasons stated in the Memorandum dated April 17, 2020, **IT IS ORDERED** that Defendant's Motion to Dismiss Plaintiff's Amended Complaint is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendant's Motion to Dismiss seeking dismissal of plaintiffs' disparate impact and disparate treatment claims in Counts I and II of the Amended Complaint is **DENIED WITHOUT PREJUDICE** to defendant's right to raise those issues after completion of discovery by motion for summary judgment and/or at trial if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated April 17, 2020.
2. That part of defendant's Motion to Dismiss seeking dismissal of plaintiff's claim for denial of reasonable accommodation in Count III of the Amended Complaint is **GRANTED** and all such claims are **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to file within

fourteen (14) days a second amended complaint asserting those claims if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated April 17, 2020.

IT IS FURTHER ORDERED that, within twenty-one (21) days, the parties shall provide the Court with a joint status report addressing the need for additional discovery before defendant responds to plaintiff's pending Motion for Preliminary Injunction and providing a proposed schedule for all further proceedings. Upon receipt of the joint status report, the Court will convene a conference by telephone to discuss the prospects of settlement and a schedule for further proceedings.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.